

FILED

FOR PUBLICATION

NOV 21 2012

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

**MINORITY TELEVISION PROJECT,  
INC.,**

Plaintiff - Appellant,

v.

**FEDERAL COMMUNICATIONS  
COMMISSION; UNITED STATES OF  
AMERICA,**

Defendants - Appellees,

and

**LINCOLN BROADCASTING  
COMPANY,**

Intervenor.

No. 09-17311

D.C. No. 3:06-cv-02699-EDL

**ORDER**

**KOZINSKI**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Fed. R. App. P. 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.